

To the Right Honourable, the Knights, Citizens, and Burgeses of the Parliament of *England*, assembled in the House of
COMMONS at *WESTMINSTER*.

The humble Petition of the Tenants and Freeholders of the Mannor of *Gillingham* in the County of *Dorset*:

HUMBLY SHEWETH;

That at a Parliament held in *February* in the fourth year of his now Majesties Raigne, a Petition was then exhibited to the Grand Committee for Grievances, by the then Tenants of the said Mannor of *Gillingham* aforesaid, subscribing their names to the particular Grievances then thereby complained of, arising upon the disafforestation of the late Forrest of *Gillingham* on the behalf of themselves, and of 400. others, which never compounded or were questioned, who had right of Common within the same late Forrest, containing a complaint against a commission then lately awarded out of his Majesties Court of Exchequer, to Sir *James Fullerton*, and others, for the enclosing of the said late Forrest, and a place there called the Bayliff's walk, & against the proceedings of the said Commissioners, in executing of the said Commission; and likewise against a Decree made against the said Petitioners in the said Court of Exchequer, concerning the said Forrest and Bayliff's walk. By which Commission and proceedings thereupon, the said Petitioners, and many hundreds more of the Tenants and Inhabitants, and Commoners there, were much dampified and oppressed, as was alleadged by the said Petition; And therefore the said Petitioners humbly prayed, that the said Commission and proceedings might be examined; which said Petition was read, and ordered to be retayned, and a day appointed for hearing the said Cause. As by the said Petition remaining in this Honourable House, and by the subscriptions, and Copy of the Order of this Honourable House thereupon made ready to be produced, may more fully appear; but by reason of the sudden dissolution of the same Parliament, the cause was not heard; since which time, divers other wrongs and oppressions have beene against the said Tenants by the Agents and Instruments of the Right Honourable the Earl of *Elgin*, the present Fee-Farmer of the said Mannor and Forrest; all which are comprehended in the Articles annexed.

Humbly therefore pray, that you will be pleased to revive the Cause upon the first Petition, and to hear and relieve your Petitioners complaint, as well in those as in these other Grievances since happening, as the justice of the Cause shall require.

And your Petitioners shall ever pray, &c.

THE CASE.

THE Mannor of *Gillingham* is ancient D. meafure, and belongeth to the Crown of *England*, and hath alwayes heretofore used to be parcell of the Queenes Jointure, and never out of the hands of the King, Queen, or Prince for the time being, untill the same was lately granted in Fee-Farme to the Right Honourable the Earl of *Elgin* parcell, of which Mannor is a great Wast or Common, called the Bayliff's Walk.

That within the said Mannor and Bayliff's Walk, lyeth the late Forrest of *Gillingham*, compassed almost round by the said Mannor and Bayliff's Walk, within which Mannor are many Freeholds, and above 200. Copies of Inheritance at Fine, and heriot certaine, the which Fines and heriots, Rents and Profert, of Courts, have been paid to the Queenes use, and ordered by the Court of the Mannor.

That there is likewise another Mannor consisting of several Copyholders of Inheritance, called the Forrest Mannor, at fine, and heriots certaine; the which Fines, Heriots, Rents, and Profits of Courts, have been paid to the Wardens of the Forrest his use, and ordered by the Forrest Court of that Mannor.

That all the said Tenants of both the said Mannors, and other Inhabitants, have time out of mind had and used to have Common of Pasture within the said Forrest, for their Horse Beasts, and other Beasts, levant and couchant upon their respective tenements all the year, at all times of the year, as to their respective tenements belonging, and Common of Pasture within the said Bayliffes Walke, for their Horse Beasts, or other Beast and sheepe levant and couchant upon their respective tenements, all the year, at all times of the year, as to their respective tenements likewise pertaining.

That the said Fine, certaine, and customes, have been by severall Decrees, the one in the Ezchequer, the other in Queen Annes Court, and by an Act of Parliament 7. *Jacob. Reg.* confirmed, and the Charter exemplified, which cost the tenants above 800. pounds.

That in *Aug. 1. Car. Reg.* a Commission issued forth of the Exchequer to Sir *James Fullerton* Knight (being Commissioner and Patentee, for about 40. yeares of the said Forrest, at a small Rent) and to others, whereof the said Sir *James Fullerton* was of the *Quorum*, to disafforest and improve the said Forrest, for the advancement of his Majesties Revenues, with Articles of Instruction annexed, for compounding with the Commoners and Officers by allotments out of the said Forrest, in satisfaction of their Common and Offices there; and for reliefe of the poore, and for setting out convenient high-ways through the said Forrest, as by the Records thereof in his Majesties Court of Exchequer; amongst other things may at large appeare.

1. GRIEVANCE.

That 22. *Jacob. Reg.* a Map of the said Forrest was taken by one Mr. *Jenkins* and his men, who brought with him a perambulation thereof, as he pretended, wherein was included all the Bayliffes Walk, and the Houses, Gardens, and Inclosures of about two hundred Tenants and Cottage.

2. That for doing that service, the said Mr. *Jenkins* required the then Bayliffe and Hayward of the said Mannor to attend his men, and to informe them of all the places named in the said *Perambulation*, and the houses and grounds of the Tenants: All which was pretended to be within the said Forrest; And the said Mr. *Jenkins* after the taking thereof, alleadged upon his oath, that he was assisted therein with divers ancient witnesses, albeit the said Map was taken by his men only, and himself very seldome with them.

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3. That



3. That 23. Aug. 22. *Jacob*, a Court of Survey was holden at *Gillingham*, at which Court a Jury was sworne to present, according to Articles then delivered them, whereof one of them was for the bounds of the Forrest (none of the Jury then perfectly knowing the bounds between the said Forrest and the said *Bailiffs* walke, which had been used time out of mind, And having no evidence produced therefore, they did not distinguish the said bounds in their presentment, but did present only the aforesaid mapp, which the said *Mr. Jenkins* produced unto them upon his Oath according to the perambulation he brought with him; by which meanes the *Bailiffs* walke was taken to be Forrest.

4. That the Commissioners caused the Tenants one by one to be drawn into a little close private Chamber in an Inne in *Gillingham*, where the then *Bailiffe* kept the doore, and there compounded with some of them for their Commons in the said Forrest, promising, to allot to every of them ratably after the rate of ten Acres of Forrest-ground for every 100. Acres of their severall, and so after that proportion, and to every ancient Cottage and Acre, and in that manner got the subscriptions of 73. severall mens names, of which nineteene did subscribe for such as were not present, and some of them knew not of the said Commission, and some of them after dissented to the said subscription, & some of them so subscribing were the Commissioners themselves.

5. That the King by the Agreement was to inclose the out-bounds of his part round, which is not performed.

6. That the allotments hereupon made, were layd forth defective, and not pursuant, the said Commission and agreement, and his *Majesties* directions, and layd inconveniently in respect of wayes to the prejudice of five Market Townes within 6. miles of the said Forrest. And that by His *Majesties* directions and the Commissioners appointment, the said *Mr. Jenkins* was to lay out the allotments and wayes by the approbation of 12. of the Tenants and Commoners; but he caused his men to lay them out as he pleased, and being questioned for it by one of the Commissioners, and some of the 12. he answered, it is so and it must be so, and it shall be so; for I will have it so.

7. That all the allotments for all the said Tenants and poore being about 800. Families amount not unto above 600. Acres or thereabouts, which are all taken out of the *Bailiffs* walke, (except about 50. Acres) the remainder being about 2600. Acres, worth 1300 l. per Annum, (whereof about 200. Acres or more is taken out of the said *Bailiffs* walke) is now enjoyed by the E. of *Elgin*, and *Mr. Kirke*.

8. That thereupon at the instance of *Sir James Fullerton* (who was the Kings Commissioner in his own cause) the intended improvement being for himselfe, an information was exhibited in the Exchequer Chamber (in the name of the Kings Majesty) by the then Attorney Gen. against some of the Tenants which had subscribed as aforesaid, and against some others that had refused, and upon pretence that the said Composition was made with the Major part of the Commoners, and that the *Bailiffs* walke was within, & parcell of the said Forrest & answers made by such as were then questioned, divers orders were obtained there for the strengthening of the said Allotments, and a decree was had against them, and all other the Commoners though no parties; whereupon the said *Sir James Fullerton* and *Mr. Kirke* inclosed the residue for His Majesty as was pretended, but kept it for their own uses.

9. That the high-wayes by those inclosures are become impassable, and laid upon the generall Charge of the Parishioners for reparations; whereas by Agreement the same were to be repaired by the Kings Farmer, and the Countrey to be discharged, and the wayes to go through the inclosed grounds of His Majesty's part without restraint or limitation.

10. That divers high-wayes within the said late Forrest, by the said inclosures are diverted above halfe a mile about, and some wholly stopped up to the great annoyance of the Countrey, for that they have spoiled their horses and wares, and have been enforced to give their money to go through the inclosed grounds.

11. That the said *Sir James Fullerton* did assigne, devise, or leave the remainder of his Terme in the said Forrest, to the said Earle as his Executer in trust for the Lady *Bruce* his relict, and for the said Earle, or one of them, and the said Earle hath since procured to him and his heyres, both the said Mannors, and Forrest, and Parke likewise from His Majesty in fee farme for a small fine and rent, per annum; for the premises being about 140. l. 16. s. 8. d. when of about 48. l. is the ancient rent of both mannors, in respect of the true valew thereof being worth neere 2000. l. per annum in good times: And albeit the wood and Timber in the said late Forrest at the time of the disafforestation were worth 8000. l. at the least, which was to be sold for His Majesty's best profit reserving a great part of it for maintaining heufes, bridges, Fences, and high-wayes in the Forrest, Parke, and manour, yet it being for the most part cut down and sold, and almost all the posts, pales, and rails of the Parke, Fences, being part of that Timber, are taken up and sold by *Mr. Branker*; for which many hundreds of the best timber Trees in the Forrest and Parke were felled, out of which His Majesty hath had very little profit but great losse.

12. That the said Earle hath by *Tho. Branker* Gentleman, and others his Agents and Instruments endeavourd of late to advance his purchase of the premises by requiring and taking more heryots of the Tenants there then by the Custome are due, to the great oppression, of the said Tenants your Petitioners, and hath preferred a Bill in the Exchequer, endeavouring to make good such unjust and unconscionable demands concerning them and other things, and hath likewise taken away the yearly fees belonging to the Reeve of the said Forrest and Forrest manour, being yearly by Custome, to be one of the said Tenants of the said Forrest manour, amounting in valew to 3. l. per annum and upwards, and given no allowance for the same, His Majesty's directions therein not being performed.

13. That the Court Rolls may be put from time to time into the common Chest, appointed for that purpose, where all the antient Court Rolls of the said manour are, and have been ever by custome used to be put for neere 500. yeares past, as in an indfferent and safe hand between the Lord and Tenants; but that there are the rolls of 13. yeares last past kept in *Mr. Branker*, or the Deputy Stewards hands, and not put into that Chest to the hazard of the Tenants Estates, and palpable breach of their Customes.

14. That of late a new constat of Allotments, upon the said disafforestation hath been made by the private direction of the said *Thomas Branker*, and one *Edward Coward* Agents under the said Earle, with great alterations from the former, without the consent of the said Tenants or other legall authority to warrant the same; whereby the Tenants and poore are much wronged.

15. That *Charles Wills*, *Morgan Cave*, and *Edm. Coward*, did subscribe and accept of 110. Acres of the Forrest for 110 poore men, named in 2. severall notes delivered to the Commissioners, and to be assured to them and others, as feoffees in trust, to remaine to the use of the poore for ever, a great part whereof is altered and taken away.

16. That the said *Charles Wills*, *Morgan Cave*, and *Edm. Coward*, did subscribe and accept of 50. Acres of ground of the Forrest for 48. of the poorer sort of Tenants named in a note presented to the Commissioners, the which note was left in the hand of *Edm. Coward*, that he should take the hands of such as were named in the said note, and to returne the note to London to the Commissioners with speed, which was not performed; but many yeares after *Coward* of himselfe, without the consent of the others, put out about 20. of such as were named in the said note, and put in others in their places; but they were such as must sell, whereby he was rewarded of the buyer and seller, and the most of them do not know where their Acres do lye; for that it was inclosed in the poores and other Tenants grounds long before.

17. That after the ground was layd out for the poore and other Tenants *Mr. Thomas Branker*, *Richard Perue*, *William Sheapheard*, *Peter Greene*, *Ben. Sanger*, *Jo. Wilkins*, and *Mary Greene*, did inclose about 40. Acres of the best of the ground of the poores, and poorer sort of Tenants to their own use: By meanes whereof the ground which is left for the poore, is halfe a mile in length, in nature of a Lane, and 30. wayes over it, and no allowance of ground for wayes, and is now by the said new constat set out in 9. severall places, by which meanes neere 200. tenants and poore receive much wrong.

18. That the said Earle hath now lately caused to be taken out an Inquisition and attachment against the Inhabitants of five townes, and Parishes neer the said Forrest, to satisfie him above 1000. l. for his pretended damages, to the great disturbance and oppression of the Inhabitants neer the said Forrest.

19 That the said Earl doth of late take upon him to dispose in Court of the Copyhold Lands of Inheritance of the heires of such tenants as dye, their heires being under age, and let out the same at under values by way of Lease for many yeares together, with unreasonable and unjust allowances, to the manifest wrong and oppression of such Infants, which is a great incroachment on the liberty and property of the said tenants, and an attempt to draw the tenants heires, being *minors*, into a greater slavery and servitude, then a tenure in *Capite*, where-as the Ordinance concerning the Court of *Wards*, aymts (as the Petitioners humbly conceive) at the Liberty of the Subject, even in cases of *Capite*, or Knights service tenure.

20. That one *Woolridg* being Bayliff of the Mannor of *Gillingham*, and employed in all the businesse concerning the disafforestation of the said Forrest, was upon a Ryot of a breach of the Inclosures of the said Forrest, accused in Star-chamber for an Abettor by some who were great enemies to him for his service done about the disafforestation, and was fined 200. l. which fine, with others the said Sir *James Fullerton* had granted to him from his Majesty, with power to discharge any that were fined, as he pleased; And being truly informed, he did freely forgive the said fine to the said *Woolridg*. But after his death, the said Earl caused the said *Woolridg* to be imprisoned for the same Fine, and the said Mr. *Bronker* hath unjustly levied of the goods and estate of the said *Woolridg*, for the said Fine, above 260. l. besides it cost (the said) *Woolridg* 40. l. to bring it to a hearing.

21. That *Woolridg* brought a suit against the said Earle, and *Bronker*, and others in the Exchequer chamber, hoping to have bene relieved, and have had restitution of his goods being so unjustly taken; but when it was heard, and the depositions of witnesses read, the Earle sitting in Court, a Letter was delivered, and two or three lines read of it; whereupon Baron *Trevor* stood up, and did take the letter, and did look in it, and said, *I will believe this Letter, before any of their Oathes* (meaning the witnesses sworn in that Cause) and that he did see no cause in Equity, why any restitution should be made of the said Goods to the said *Woolridg*, and thereupon dismissed the Cause out of the said Court.

22 That it was agreed between the Commissioners and Tenants that subscribed, that the allotments of the Tenants should bee assured unto them in the name of *Customary Lands* without Rent or Fine, which is not performed.